

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS INVESTMENT LITIGATION	: MDL DOCKET NO. 1586
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<i>Williams, et al. v. Bank One Corp., et al.</i>	04-cv-0832 (D.Md.)

[PROPOSED] FUND DERIVATIVE ORDER

For the reasons stated in the letter opinion filed November 3, 2005, it is, this
_____ day of _____ ORDERED

1. Defendants' motions to dismiss are granted in part and denied in part;
2. The motions are denied as to the claim asserted under Section 36(b) of the Investment Company Act in Count I against defendants Banc One Investment Advisors Corporation, Bank One High Yield Partners LLC, and One Group Dealer Services, Inc.
3. The motion is denied as to the claim asserted under Section 48 of the ICA in Count V as it relates to claims under Section 36(b) of the ICA against defendants Bank One Corporation, J.P. Morgan Chase & Co., and Mark Beeson.
4. In accordance with the Order entered December 8, 2004, all claims against Canary Capital Partners, LLC, Canary Capital Partners, Ltd., Canary Investment Management, LLC, and Edward J. Stern are stayed.
5. The motions are granted as to the remaining federal and state claims, and those claims are dismissed without leave to amend, against: Bank One Corporation, J.P.Morgan Chase & Company, Banc One Investment Advisors Corporation, Bank One High Yield Partners LLC, One Group Dealer Services Inc., One Group Services Company, Mark

Beeson, Peter C. Marshall, Frederick W. Ruebeck, Robert A. Oden Jr., John F. Finn, Marilyn McCoy, Julius L. Pallone, Donald L. Tuttle, Charles I. Post, Bank of America Corporation, Banc of America Securities LLC, Aurum Securities Corporation, Aurum Capital Management Corporation, Golden Gate Financial Group LLC, Trautman Wasserman & Company Inc., and Pritchard Capital Partners LLC.

J. Frederick Motz
United States District Judge